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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,621	06/18/2001	John W. Huffman	10012116	2953

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EXAMINER

NGUYEN, KIMBERLY D

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 02/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/883,621	HUFFMAN, JOHN W. <i>JW</i>
	Examiner	Art Unit
	Kimberly D. Nguyen	2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on \_\_\_\_\_.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-2, 7, 10-13, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll et al. (US 5,266,944; hereinafter “Carroll”) in view of Brennan (US 5,587,740; hereinafter “Brennan”) and Bursell et al. (US 5,993,001; hereinafter “Bursell”).

Carroll teaches a surveillance system comprising:
  - a camera 28 (fig. 1);
  - a detection/sensor mechanism 30, 31 to cause/activate the camera 28 in response to detection of an event of another person enters the residence 22 (fig. 1; col. 14, lines 3-23; col. 16, lines 26-35).

Although, Carroll teaches a camera 28 which takes picture(s) of person entering the residence/room 22; Carroll fails to specifically teaches or fairly suggests that the camera is digital, which takes one or more photos of a person; a face detection and selection mechanism to determine a best photo of the one or more photos of the person; and a database to store the best photo of the face of the person with at least a current date in which the best photo was taken.

Brennan teaches a digital photo system comprising:
  - a digital camera 26, which takes one or more photos 28(a) – 28(c) (figs. 3-4; col. 3, lines 36-45; col. 5, lines 23-38);

a comparison process/routine 118 executed by computer 32 to compare the image 28(a) with a template image 114 to indicate if the scenic image 12 has the people image superimposed on the scenic image 12 (figs. 4-5; col. 5, lines 23-39); and the image 28(a) is also compared to the template 114 to detect an obstruction on the lens 13 or a blur on the image 28(a) (col. 6, lines 21-28); which serves as a software of photo detection and selection mechanism to determine the best photo of one or more photos (figs. 4-5; col. 2, lines 17-45; col. 5, lines 9-38; col. 6, lines 12-28).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate a digital camera with photo detection and selection mechanism for taking images of people and scenic view as taught by Brennan to the teachings of Carroll in order to review and select the “best” picture/image prior to storing the image for processing thereafter (i.e., the image is processed immediately within the camera) to further provide convenience and time saving to the user/operator, and to preserve the memory space.

Although, Brennan teaches image data 28 is stored in the memory 35, wherein the memory inherently contains a database to store images (col. 5, lines 23-39); Carroll in view of Brennan is silent with respect to a database to store the best photo of the face of the person with at least a current date in which the photo was taken.

Bursell teaches an imaging system, wherein the image includes legends such as, patent name, medical record number, date and time information (col. 3, lines 12-17). Bursell also teaches image data may be stored in a database (col. 7, lines 37-59).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the photo with photo date taken as taught by Bursell to the

teachings of Carroll in view of Brenna in order to provide date identification to the photo to further keep track of the photos with date taken on it.

3. Claims 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Brennan and Bursell as applied to claim 1 above, and further in view of Lee et al. (US 5,151,945; hereinafter “Lee”). The teachings of Carroll in view of Brennan and Bursell have been discussed above.

Although, Carroll teaches the detector/sensor 30, 31 may be of an optical or motion detector/sensor (col. 16, lines 32-35) to activate the camera 28 to take photo of a person entering the residence 22 (col. 14, lines 19-23); Carroll in view of Brennan and Bursell is silent with respect to the detection mechanism comprises a video camera, such that a change in a field of view of the video camera from an earlier frame to a later frame of the video camera causes the digital camera to take one or more photos.

Lee teaches video universal motion and intrusion detection system, wherein the detection mechanism comprises a video camera 11, 12, such that a change in a field of view of the video camera to signal an alarm (fig. 1A; col. 3, lines 31-58).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the video camera, such that a change in a field of view of the video camera may sound the alarm as taught by Lee to the teachings of Carroll in view of Brennan and Bursell in order to manipulate a video camera with a change in a field of view to activate the camera.

4. Claims 4-5, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Brennan and Bursell as applied to claim 1 above, and further in view of Clever (US

4,145,715; hereinafter "Clever"). The teachings of Carroll in view of Brennan and Bursell have been discussed above.

Carroll teaches the detection mechanism 30, 31 may be of an optical or motion detector/sensor (col. 16, lines 32-35) to cause/activate the camera 28 to take photo of a person in response to the detection of an event i.e., a person entering the residence 22 (col. 14, lines 19-23); Carroll as modified by Brennan and Bursell fails to specifically teach or fairly suggests that the detection mechanism comprising a cash register that causes to take one or more photos in response to detection of an event such as ringing up a sale to the person on the cash register.

Clever teaches a surveillance system having a camera used in conjunction with a cash register 14 at a point of sale transaction, wherein the functionality of the cash register is to ring up a sale to a person on the cash register for a transaction purpose (fig. 1; col. 1, lines 46-52; col. 2, lines 3-9; col. 2, line 66 through col. 3, line 28; col. 4, lines 40-47).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to apply the detection mechanism of Carroll as modified by Brennan and Bursell to the point of sale transaction system as taught by Clever in order to obtain a clear image identification detection system in sale environment for the purpose of capturing the customer's identification and image record keeping. Such modifications would provide a clear identification of the customer for a future transaction validation. Accordingly, it would have been an obvious modification as taught by Carroll as modified by Brennan and Bursell in applying a known system to other operations.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Brennan and Bursell as applied to claim 1 above, and further in view of Monroe (US 6,366,311;

hereinafter “Monroe”). The teachings of Carroll in view of Brennan and Bursell have been discussed above.

Carroll as modified by Brennan and Bursell is silent to the detection mechanism is a digital camera.

Monroe teaches a plurality of image sensors, which serves as detection mechanism, generating data for the aircraft navigation system, wherein image sensors are digital cameras (col. 3, lines 5-38).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the digital camera as a detection mechanism as taught by Monroe to the teachings of Carroll as modified by Brennan and Bursell in order to review and select the “best” picture/image prior to storing the image for processing thereafter (i.e., the image is processed immediately within the camera) to further provide convenience and time saving to the user/operator, and to preserve the memory space.

6. Claims 8-9, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Brennan and Bursell as applied to claim 1 above, and further in view of Kuperstein et al. (US 6,128,398; hereinafter “Kuperstein”). The teachings of Carroll in view of Brennan and Bursell have been discussed above.

Although, Brenna teaches image data 28 is stored in the memory 35, wherein the memory inherently contains a database to store images (col. 5, lines 23-39); Carroll in view of Brennan is silent with respect to the face detection and selection mechanism at least one compresses and encrypts the best photo of the face.

Kuperstein teaches a facial image to be compressed and encrypted (figs. 1-2 and 7; col. 4, lines 20-31; col. 5, lines 35-54; col. 13, line 63 through col. 14, line 27).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the facial encryption and compression as taught by Kuperstein to the teachings of Carroll as modified of Brennan and Bursell in order to provide encryption and compression to the facial image data to further secure the data from an unauthorized personnel from accessing the data and to save hard drive space by compressing the image data.

### *Conclusion*

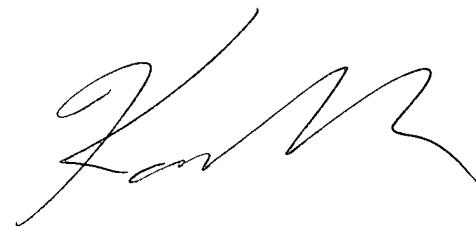
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lippert (US 6,343,739) teaches apparatus and method for operating a checkout system having a video camera 94a for enhancing security during operation thereof, wherein camera 94a may be a digital camera. Dejaeger et al. (US 6,213,395) teaches apparatus and method for operating a checkout system having a video camera 94a which is a digital camera. Mick et al. (US 3,988,533) teaches a video-type universal motion and intrusion detection system, wherein changing a field of view of a video camera would sound the alarm. Teller (US 6,504,481) teaches a service transaction monitoring system, wherein the sensor device 12 detects a change in position, door opening, etc.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 703-305-1798. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-8792.

KDN  
February 6, 2003



KARL D. FRECH  
PRIMARY EXAMINER